

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

SHARON BARNES,

Plaintiff,

v.

TALBERT HOUSE,

Defendant.

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Civil Action No. _____

Judge _____

NOTICE OF REMOVAL

Defendant Talbert House (“Defendant”), under 28 U.S.C. §§ 1331, 1367, 1441, and 1446, respectfully submits this Notice of Removal and removes Case No. A 2100955 from the Court of Common Pleas for Hamilton County, Ohio, the Court in which this case is presently pending, to the United States District Court for the Southern District of Ohio, Western Division. This action is being removed based on federal question jurisdiction under 28 U.S.C. § 1331. As grounds for this removal, Defendant states as follows.

LITIGATION FACTS

1. On or about March 17, 2021, Plaintiff Sharon Barnes (“Plaintiff”) filed the present action against Defendant in the Court of Common Pleas of Hamilton County, Ohio, designated as Case No. A 2100955 (“State Court Action”). The Hamilton County Clerk of Courts issued Summonses on March 18, 2021. Copies of the Summonses and Complaint received by Defendant are attached as Exhibit A.

2. On March 22, 2021, Defendant was served with the Complaint.

3. As of the date of this Notice, Defendant has not filed an answer or other responsive pleading to the Complaint.

4. Exhibits A constitutes all process, pleadings, and orders served upon or received by

Defendant.

FEDERAL QUESTION AND SUPPLEMENTAL JURISDICTION

5. Plaintiff's Complaint establishes that there is a federal question. Plaintiff alleges violations of the Family and Medical Leave Act ("FMLA"), a law of the United States. *See* Complaint Count IV. This Court has original jurisdiction over these claims under 28 U.S.C. § 1331.

6. Under 28 U.S.C. § 1367(a), this Court may exercise supplemental jurisdiction over the remaining state law claims.

REMOVAL

7. Pursuant to 28 U.S.C. § 1441, et seq., the right exists to remove this case to the United States District Court for the Southern District of Ohio, Western Division, which embraces the place where the action is currently pending.

8. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is being filed within thirty days of receipt of the Complaint.

9. Venue is proper in the Southern District of Ohio, because the actions complained of in Plaintiff's Complaint allegedly occurred in Hamilton County, Ohio. Plaintiff initiated this action in Hamilton County.

10. As required by 28 U.S.C. § 1446(d), Defendant will give notice of removal of this action to the Court of Common Pleas of Hamilton County, Ohio. A copy of this Notice is attached as Exhibit B.

11. Defendant submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief can be granted.

12. Defendant has paid or will pay the filing fees prescribed by this Court's rules, if any.

13. For these reasons, Defendant Talbert House gives notice that this action is hereby removed from the Court of Common Pleas of Hamilton County, Ohio. Defendant respectfully requests that this action be placed upon the docket of this Court for further proceedings, as if this case had been originally instituted in this Court.

Respectfully submitted,

/s/ Robert D. Shank

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Attorneys for Defendant Talbert House

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2021, a true and accurate copy of the foregoing Notice of Removal was filed with the Court Electronic Filing System and was served by regular U.S. mail, postage prepaid, upon the following:

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/s/ Robert D. Shank

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